

AMENDED IN SENATE APRIL 22, 1996

AMENDED IN SENATE MARCH 18, 1996

SENATE BILL

No. 1519

Introduced by Senator Johnson

(Principal coauthor: Assembly Member Bordonaro)

February 13, 1996

An act to amend Section 168 of, and to add ~~Sections 14201.6 and 14201.7~~ *Section 14201.6* to, the Penal Code, relating to the Department of Justice, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1519, as amended, Johnson. Department of Justice: internet directory.

Existing law requires the Attorney General to establish and maintain a variety of automated computer database systems, including the online missing persons registry, the Violent Crime Information Network, and the Missing and Exploited Children's Recovery Network. Existing law also requires the Department of Justice to maintain state summary criminal history information and specifies who may be furnished with this information.

This bill would require the Department of Justice to establish and maintain a publicly accessible computer internet directory of information relating to persons for whom an arrest warrant has been issued pursuant to an alleged violation of any offense defined as a violent felony, critical missing children, and unsolved homicides.

The bill would appropriate \$145,000 ~~each fiscal year~~ from the General Fund to the Department of Justice for the purpose of implementing this bill.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 168 of the Penal Code is
2 amended to read:

3 168. (a) Every district attorney, clerk, judge, or
4 peace officer who, except by issuing or in executing a
5 search warrant or warrant of arrest for a felony, willfully
6 discloses the fact of the warrant prior to execution for the
7 purpose of preventing the search or seizure of property
8 or the arrest of any person shall be punished by
9 imprisonment in the state prison or in a county jail for not
10 exceeding one year.

11 (b) This section shall not prohibit the following:

12 (1) A disclosure made by a district attorney or the
13 Attorney General for the sole purpose of securing
14 voluntary compliance with the warrant.

15 (2) Upon the return of an indictment and the issuance
16 of an arrest warrant, a disclosure of the existence of the
17 indictment and arrest warrant by a district attorney or
18 the Attorney General to assist in the apprehension of a
19 defendant.

20 (3) The disclosure of an arrest warrant pursuant to
21 ~~subdivision (j) of Section 11105.~~ *paragraph (1) of*
22 *subdivision (a) of Section 14201.6.*

23 SEC. 2. Section 14201.6 is added to the Penal Code, to
24 read:

25 14201.6. (a) The Department of Justice shall
26 establish and maintain a publicly accessible computer
27 internet directory of information relating to the
28 following:

29 (1) Persons for whom an arrest warrant has been
30 issued pursuant to an alleged violation of any offense
31 defined as a violent felony in subdivision (c) of Section
32 667.5.

1 (2) Critical missing children.

2 (3) Unsolved homicides.

3 (b) The Attorney General may determine the extent
4 of information and the priority of cases to be included in
5 the directory.

6 (c) The department shall keep confidential, and not
7 enter into the directory, either of the following:

8 (1) Information regarding any case for which the
9 Attorney General has determined that disclosure
10 pursuant to this section would endanger the safety of a
11 person involved in an investigation or the successful
12 completion of the investigation or a related investigation.

13 (2) Information regarding an arrest warrant for which
14 the issuing magistrate has determined that disclosure
15 pursuant to this section would endanger the safety of a
16 person involved in an investigation or the successful
17 completion of the investigation or a related investigation.

18 (d) For purposes of this section, “critical missing
19 child” includes, but is not limited to, any case of a missing
20 child for which there is evidence or indications that the
21 child is at risk, as specified in subdivision (b) of Section
22 14213.

23 ~~SEC. 3. Section 14201.7 is added to the Penal Code, to~~
24 ~~read:~~

25 ~~14201.7. The sum of one hundred forty-five thousand~~
26 ~~dollars (\$145,000) is hereby appropriated each fiscal year~~

27 *SEC. 3. The sum of one hundred forty-five thousand*
28 *dollars (\$145,000) is hereby appropriated from the*
29 *General Fund to the Department of Justice for the*
30 *purpose of implementing Section 14201.6.*